

REMARKS

In response to the Office Action dated April 13, 2010, the Assignee (Nuance Communications, Inc.) respectfully requests reconsideration. Claims 1-20 were previously pending in this application. By this amendment, claims 1 and 11-20 are amended. No claims are canceled or added. As a result, claims 1-20 are pending for examination with claims 1 and 11 being independent. No new matter has been added.

Rejections Under 35 U.S.C. §101

The Office Action rejects claims 11-20 as allegedly being directed to non-statutory subject matter. Without conceding to the propriety of the rejection, claims 11-20 are amended to recite “non-transitory” computer readable storage as recommended by the Office Action to overcome the rejection. Accordingly, the Assignee respectfully requests that the rejection be withdrawn.

Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 4-7, 10-11, 14-17, and 20 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Publication No. 2004/0254792 (Busayapongchai). Initially, the Assignee appreciates the care taken by the Examiner in providing a detailed Response to Arguments clarifying how the claims are being interpreted. The claims are amended herein to make certain limitations explicit and to clearly distinguish over Busayapongchai.

In particular, the independent claims are amended to make clear that the recordation plan includes the text of every planned audio segment of the speech application program and that this recordation plan that includes a complete listing of each planned audio segment and the associated filename under which the recorded audio should be saved is then provided to the speaker for recording.

The Office Action asserts that the extracted text parsed from the VoiceXML script file meets the limitation of the recordation plan. However, this extracted text from the parser is nowhere disclosed as being saved to a file in association with the filenames under which the recorded audio and then *provided to the a speaker for recording*. Thus, Busayapongchai nowhere discloses or suggests “providing the recordation plan to a speaker for recording of each planned audio segment

for the speech application,” as recited in claims 1 and 11. Moreover, what is provided to the voice talent in Busayapongchai is only the content of audio segments for the IVR application for which a satisfactory pre-recorded audio file could not be located in the database, and not text for every planned audio segment for the IVR application. Accordingly, Busayapongchai nowhere discloses providing a recordation plan to the speaker that includes “the text for every planned audio segment for the speech application program and the associated filenames,” as also recited in claims 1 and 11. Therefore, claims 1 and 11 patentably distinguish over Busayapongchai for at least the above reasons and are in allowable condition. Claims 2-10 and claims 12-20 depend from claims 1 and 11, respectively, and are allowable for at least the same reasons.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims, or to argue the propriety of the motivation to combine the references applied in the rejections under 35 U.S.C. 103(a). However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future and/or to argue against the propriety of the alleged combination of references.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70569US00 from which the undersigned is authorized to draw.

Dated: July 13, 2010

Respectfully submitted,

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